

REMARKS

In response to the Office Action mailed on August 20, 2007, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-10 and 12-18 have been amended, and Claim 11 has been canceled without prejudice of disclaimer, leaving Claims 1-10 and 12-18 for consideration upon entry of the present amendment. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional applications.

Support for Claim Amendments

No new matter has been added by the amendments. Support for the amendments to Claims 1-2, 12, and 18 can be found in Applicants' specification. See, for example, paragraphs [0024-0026] in Applicants' specification. In addition, Claims 1-10 and 12-18 were amended to replace the word "said" with the word "the."

Claim Objections

Claims 1-18 stand objected to because of the following informalities:

"Claim 1, line 15 the phrase "a count of paths" has been defined in claim 1, line 10. It is suggested to change the phrase to -said count of paths-." "Claim 12, line 20, the

phrase “a count of paths” has been defined in claim 12, line 14. It is suggested to change the phrase to –said count of paths–.” “Claim 18, line 18, the phrase “a count of paths” has been defined in claim 18, line 13. It is suggested to change the phrase to –said count of paths–.”

Applicants appreciate the Examiner’s observations and have amended the claims to address the Examiner’s concerns. Specifically, Claims 1, 12 and 18 have been amended to recite “VLAN having a total number of VLAN paths ... dividing the latency counter by the total number of VLAN paths to derive the multi-point VLAN latency measure for the VLAN.” Applicants request the Examiner to remove this objection and submit that Claims 1-10 and 12-18 are in condition for allowance.

Claim Rejections 35 U.S.C. §102

Claim 11 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0149788 to St. Etienne, et al (hereinafter “Saint Etienne”). Applicants have canceled Claim 11 and submit that the rejection is now moot.

Claim 11 stands rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,681,232 to Sistanizadeh, et al (hereinafter “Sistanizadeh”). Applicants have canceled Claim 11 and submit that the rejection is now moot.

Allowable Subject Matter

The Examiner has indicated that Claims 1-10 and 12-18 are allowable. Applicants submit that Claims 1, 12 and 18 as amended to correct the informalities noted by the Examiner are allowable. Claims 2-10 which depend from Claim 1, and Claims 13-17 which depend from Claim 12 are also allowable at least due to their dependencies.

Conclusion

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

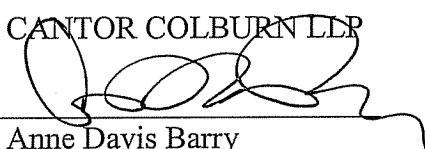
If any issues remain, the Examiner is invited to contact the undersigned at the telephone number below.

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicants' attorneys.

Respectfully Submitted,

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